

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



ALHAMBRA CITY AND HIGH SCHOOL
DISTRICT,

Employer,

and

CALIFORNIA SCHOOL EMPLOYEES
ASSOCIATION AND ITS ALHAMBRA
CHAPTER #295,

Exclusive Representative,

and

LOCAL 660, SERVICE EMPLOYEES
INTERNATIONAL UNION, AFL-CIO,

Petitioner.

Case No. LA-D-213
LA-D-214
(R-273A, 273B)

PERB Order No. Ad-170

June 20, 1988

Appearances; Van Bourg, Weinberg, Roger & Rosenfeld by Vincent A. Harrington, Jr. for Local 660 Service Employees International Union, AFL-CIO; E. Luis Saenz, Attorney, for California School Employees Association and its Alhambra Chapter #295; and O'Melveny & Myers by Thomas H. Reilly for Alhambra City and High School District.

Before Hesse, Chairperson; Craib and Shank, Members.

DECISION AND ORDER

HESSE, Chairperson: Local 660, Service Employees International Union, AFL-CIO (Local 660) requests that the Public Employment Relations Board (PERB or Board) accept a late filing of its appeal of our regional director's decision dismissing the decertification petition filed by Local 660 against the California School Employees Association and its Alhambra Chapter #295. PERB Regulation No. 32136 reads as follows:

A late filing may be excused in the discretion of the Board only under extraordinary circumstances. A late filing which has been excused becomes a timely filing under these regulations.

See also Anaheim Union High School District (1978) PERB Decision No. Ad-42. Local 660 admits that it received the dismissal petition before the time to appeal had run, but claims that the attorney who read the dismissal "was under the impression that at the time . . . the notice of the dismissal [was received], the time for filing an appeal had already passed." No declaration was attached from the attorney who was under this misimpression, nor was any reason given for the misimpression. We therefore find that the late filing cannot be excused for extraordinary circumstances.¹ The dismissal unambiguously sets out the appeal rights of Local 660, and the attorney's misimpression is an error we cannot erase.

The request for late filing is DENIED and the decertification petition is DISMISSED.

Members Craib and Shank joined in this Decision.

¹Nor do we believe that this late filing could be excused under a good cause standard.